

Law 155/2020 amending and supplementing the Law on electricity and natural gas no. 123/2012 and amending and supplementing other normative acts

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Law 155/2020 amending and supplementing the Law on Electricity and Natural Gas  
.123/2012 and amending and supplementing other normative acts  
Date of act: 24-July-2020  
Issuer: Parliament

The Parliament of Romania adopts this law.

#### Art. I

Law of electricity and natural gas no. 123/2012, published in the Official Gazette of Romania, Part I, no. 485 of 16 July 2012, as amended and supplemented, shall be amended and completed as follows:

1. Article 1, paragraph 1 and point (a) of paragraph 2 shall be amended and shall read as follows:  
“Art. 1

(1) This Title sets out the regulatory framework for carrying out activities in the electricity and heat produced from cogeneration sectors, with a view to making the best use of primary energy resources and achieving the objectives of energy security, competitiveness and sustainable development under conditions of affordability, availability and price support and in compliance with safety, quality and environmental standards.

a) mobile generator sets, electrical installations located on vehicles of any kind, except electric traction units consisting of electric locomotives, tram frames and subway frames; ’

2. In Article 2, after letter n) are inserted three new letters, letters o) to q), with the following wording:

O) Promoting regional cooperation to increase energy security;

p) Enforcement of consumer rights, in particular: effective and easy switching of supplier, access to clear and comprehensible information, transparency of contractual conditions, effective complaint handling procedures;

Q) Ensure the development of services using decentralised energy resources such as dispatchable consumption and energy storage.

3. In Article 3, a new point, point 11<sup>1</sup> is inserted after point 1: ‘11.<sup>the</sup> adequacy of the SEN – the ability of the national power system to continuously meet the power and energy demands of consumers, taking into account the outflows of the system elements, both scheduled and reasonably expected to occur unscheduled; ’

4. In Article 3, two new points are inserted after point 4, paragraphs 41<sup>and</sup> 42,<sup>with</sup> the following wording:

‘41. <sup>aggregation</sup> — function performed by a natural or legal person combining the tasks of more than one customer or the electricity produced by several sources for the sale, purchase or auctioning on any electricity market;

42. independent<sup>aggregator</sup>— *market participant* involved in the aggregation and not related to its customer's supplier; '

5. In Article 3, two new points are inserted after point 31, paragraphs 311<sup>and</sup> 312,<sup>with</sup> the following wording:

311. *energystorage*<sup>facility</sup>— in the electricity system, an installation in which energy storage takes place;

312. *technological electrical*<sup>installation</sup>— electrical installation which is part of an energy capacity other than the electrical installation/electric network related to a construction in which or on which the energy capacity is located; ';

6. In Article 3, points 36, 48 and 49 are amended and shall read as follows:

“36. *Ministry of Reference*— Ministry of Economy, Energy and Business Environment;

48. *The electricity market*— the framework in which electricity is traded and associated services;

49. *Centralised electricity market*— organised framework for conducting electricity transactions between different economic operators, brokered by the electricity market operator or transmission system operator, on the basis of specific rules, approved by the competent authority; in this Title, the concepts of a centralised electricity market and an organised electricity market are equivalent; ,

7. In Article 3, a new point, point 571<sup>·</sup> is inserted after point 57:

“571.<sup>complaint</sup> — complaint, complaint, petition, divergence, misunderstanding, dispute addressed to ANRE, in the field of electricity and/or in the field of heat produced in cogeneration, filed by a natural or legal person, respectively to the Ministry of Economy, Energy and Business Environment for Energy Efficiency; ”

8. In Article 3, a new point, point 792,<sup>is</sup> inserted after point<sup>791</sup>:

792. *energy*<sup>storage</sup>— the process of transforming electricity into a form of energy that can be stored for the purpose of delaying its use for a moment after the generation and subsequent conversion of that energy into electricity or its use in another energy vector; '

9. Article 4 shall be amended and shall read as follows:

“Art. 4: Energy strategy and policy

(1) The national energystategy defines the medium and long-term objectives of the electricity sector and the most efficient ways to achieve them, while ensuring the sustainable development of the national economy and meeting the energy needs and a civilised standard of living, under quality conditions, both at present and in the medium and long term, at an affordable price. The energy strategy is developed by the relevant ministry in consultation with representatives of the energy industry, non-governmental organisations, social partners and business representatives, is promoted by draft law by Government and approved by the Parliament. The energy strategy shall be reviewed periodically at the initiative of the relevant ministry, without prejudice to the stability and predictability specific to such a document and the revised form to be approved under the terms of the law.

(2) The energy policy, following the directions set out in the energy strategy, is implemented by the relevant ministry, on the basis of the Governance Programme, for a medium time period and taking into account probable long-term developments, in consultation with economic operators in the field of electricity, non-governmental organisations, social partners and business representatives, taking into account mainly:

a) setting up the appropriate institutional framework by defining the bodies and authorities responsible for carrying out this policy;

b) provide the necessary legal framework for the safe and stable functioning of the SEN;

c) ensuring security in the supply of fuel and electricity and safety in the functioning of the SEN;

- d) ensuring environmental protection, environmental reconstruction of sites affected by energy activities;
- e) transparency of fuel and energy prices and tariffs;
- f) increasing energy efficiency;
- g) promoting renewable energy from unconventional sources, high-efficiency cogeneration and energy storage, giving priority to electricity supply to isolated settlements;
- h) developing international cooperation in the field of energy, participation in regional markets and the European electricity market, with a view to achieving the single energy market at European Union level and ensuring the safe and secure functioning of the SEN.

(3) The sources of financing used for the implementation of the national energy strategy and of the Government's energy policy are provided from the own sources of economic operators in the field, state budgets, local budgets, repayable and non-refundable loans, including subsidy schemes/mechanisms, contracting, state aid, structural funds and financing programmes/schemes provided at European Union level.

(4) The relevant Ministry will benefit periodically from the state budget of the amounts needed to update the energy strategy, as well as for the development of studies, analyses, evaluations, monitoring necessary for the performance of its own tasks, in order to elaborate the legislation related to the national energy strategy and the Government's policy in the energy sector and its impact assessment.

(5) The measures to support the nature of state aid, proposed to ensure the implementation of the national energy strategy and the Government's policy in the electricity sector, as well as those provided by this law will be approved and granted only under the law.

(6) For the elaboration and implementation of state aid legislation, assessment of the impact of granting them and carrying out the process of obtaining the agreement of the European Commission, in accordance with national and European legislation, the relevant ministry will have the financing from the state budget to purchase consultancy services, in compliance with the legislation in force.

(7) Energy policy materialises in a programme comprising measures to stimulate investment, R & D, sustainable development, efficient use of energy resources, energy efficiency and other activities to ensure safety; and security in operation of the SEN, approved by Government Decision, with the obligation to comply with the implementation of the annual programmes.

(8) The Government, the competent ministry, the other ministries with direct responsibilities for the energy field, ANRE, the specialised bodies of central and local public administration shall take steps to achieve the objectives listed in the programme referred to in paragraph 7 and shall examine, annually or whenever necessary, the state of fulfilment of its provisions."

10. Article 5 shall be amended and shall read as follows:

"Art. 5: It's energy security. Safeguard measures

(1) By Government decision, for reasons related to the security of electricity supply, guaranteed access to electricity grids for electricity produced in power plants using fuel from domestic production can be granted, but only for annual quantities corresponding to a primary energy of not more than 15 % of the total quantity of equivalent fuel required to produce the electricity related to the country's gross final consumption.

(2) The Government's decision establishes, in collaboration with other institutions and authorities of the state competent in the field, binding measures for all economic operators in the electricity sector, regardless of the form of ownership, in order to maintain the continuous production and supply of energy during the cold season, as well as any other measures regarding the level of safety and security in operation of the SEN.

(3) In order to ensure safety in the functioning of the SEN, on the basis of suitability assessments carried out by the transmission system operator, competent authorities may take the necessary measures to develop and implement mechanisms to ensure energy capacity to achieve the desired level of suitability, including the conclusion by electricity producers of contracts for fuel processing, in compliance with and in accordance with the specific provisions of the European and national regulations in force.

(4) In case of unexpected crisis situations on the energy market and in case the physical safety or security of persons, appliances or installations or system integrity is threatened, the transmission system operator shall propose to ANRE and the relevant ministry the adoption of safety measures.

(5) The safety measures referred to in paragraph 4 shall affect as little as possible the proper functioning of the European internal market and be strictly limited to remedying the crisis situation which has caused them.

(6) The implementation of the safety measures referred to in par. (4) shall be made by Government Decision initiated by the relevant Ministry.

(7) The relevant Ministry shall, as a matter of urgency, notify the other Member States of the European Union and the European Commission of the safety measures adopted in each case.’;

11. Article 6 shall be amended and shall read as follows:

“Art. 6: Tasks of the relevant ministry

The relevant Ministry elaborates the national energy strategy and energy policy and implements their provisions, under the conditions of this law, having the following main tasks:

a) establish the appropriate institutional framework for efficient and competitive conduct of the activity of economic operators operating in the field of electricity;

b) For the establishment of energy strategy and policies, with a view to ensuring security and safety in the functioning of the SEN, cooperate with transmission system operators and coordinate specific activities solely for that purpose and for the application of Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on preparation for Risks in the electricity sector and repealing Directive 2005/89/EC and to create a competitive internal market in accordance with Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market in electricity (recast);

c) develop programmes and action plans and measures for the implementation of government policy in the electricity sector, including programmes for decarbonation, energy storage, energy efficiency and promotion of renewable energy sources, in accordance with national and European programmes on the National Integrated Energy and Climate Change Plan 2021-2030, Green Deal and Next Generation, as well as other relevant European documents;

d) develop, in collaboration with ANRE, the Ministry of Environment, Waters and Forests and the Ministry of Public Finance, the mechanisms, as well as the primary and secondary legal framework for making investments through contracts for the difference, which include:

- the legislative framework for the complementary implementation and regulation of the support scheme;

- the operating framework, the application scheme and the pricing methodology;

- nominating the entities designated for the management of the financing scheme and the application scheme, their scope of competence and responsibility;

- the method of financing, the State aid support mechanism and the procurement arrangements without a tender to support single projects;

- the Capacity Allocation Regulation;

- the process of standard allocation and requirements for the eligibility of economic operators for participation, conditions for award and conclusion of contracts;

- the framework contract for the mechanism of contracts for the difference;

e) develop draft normative acts for the electricity sector;

- f) ensure the development of studies on the basis of which priorities for investments of strategic interest in the electricity sector are to be established;
- g) ensures the elaboration of studies, analyses and evaluations necessary to carry out their duties, with funding provided from the state budget or other sources attracted, in order to develop and implement the national energy strategy, the Government's energy policy and the assessment of the impact of implementation in accordance with national and European legislation;
- h) has the status of contracting authority on concessions in the electricity sector, with the exception of the activity of transmission of electricity which is carried out by the Ministry of Public Finance, under the conditions of this Law;
- i) analyse and monitor, on the basis of information received from economic operators and consumers, including ministries, authorities and state institutions, the application and compliance with the measures established for the protection of the environment;
- j) develop, in collaboration with ANRE, legislation to promote the production of electricity from renewable sources, unconventional sources and high-efficiency cogeneration, as well as technologies on the use of hydrogen, promoting energy storage and electromobility;
- k) coordinate cooperation actions with similar institutions in other countries as well as with relevant international bodies;
- l) ensure that the commitments under the Treaty of Accession to the European Union for the energy sector are complied with and coordinate the transposition and implementation of these commitments by the institutions involved;
- m) define, identify and propose the designation of the critical infrastructure of the SEN. Is the competent authority on security of energy supply for the application of Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk preparation in the electricity sector and repealing Directive 2005/89/EC;
- n) analyse and monitor, on the basis of information received from economic operators in the energy sector subordinated or coordinated by the Ministry, the implementation of the measures taken to comply with the energy sector installations, which have obtained the transitional period following negotiations with the European Union, to the rules laid down in environmental legislation;
- o) pursues and proposes, together with other institutions and authorities of the relevant state, binding measures for all economic operators in the electricity sector, regardless of the form of ownership, in relation to energy storage and the realisation of SEN safety stocks in relation to fuels for the cold season and the volume of water in storage lakes, as well as any other measures regarding the level of safety and safety in operation of the SEN, with a view to approval by Government decision;
- p) Promote and facilitate cooperation, together with ANRE, between the electricity market operator, transmission system operators and their counterparts at regional level, including on cross-border issues, with a view to creating a competitive internal electricity market in accordance with Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal electricity market (recast);
- q) collaborates with the relevant ministry in the field of social protection, which is responsible for implementing the national action plan to reduce the number of cases of energy poverty and define vulnerable consumers;
- r) supports R & D and innovation programmes in the field;
- s) together with the transmission system operator cooperates with the relevant Ministry in the field of water, as well as with other institutions and authorities of the competent state, in order to maintain the water supply associated with multiple uses;
- t) develops the program of energy storage and construction of fuel safety stocks and aims to

achieve its provisions by economic operators;

u) continuously pursue, through the relevant institutions and authorities, the performance and quality of energy system technologies and installations and initiate measures to increase their level;

v) take steps to develop electricity generation facilities that enable lower fuels from domestic resources to be used under economic efficiency, as well as to harness pre-determined amounts of renewable and secondary energy resources;

w) monitors and assesses the adequacy of resources on Romanian territory, develops programmes on the diversification of primary energy sources, especially for the use of energy from renewable sources, unconventional sources, biomass, hydrogen, proposing measures to the Government;

x) implements the Government's energy policy, regarding the continued promotion of high-efficiency cogeneration as an efficient solution to cover national heat consumption, and to use renewable energy sources, non-conventional sources, biomass and hydrogen;

y) Decide in cooperation with the transmission system operator on the decision to address structural congestion in accordance with the provisions of Article 14(7) of Regulation (EU) 2019/943;

z) Draw up the action plan, in cooperation with ANRE, in accordance with the provisions of Article 15(1) of Regulation (EU) 2019/943.‘;

12. After Article 71, a new Article 72<sup>is</sup> inserted,<sup>with</sup> the following wording:

“Art. 72: Handling of complaints

(1) Complaints submitted to ANRE shall be resolved in accordance with the provisions of this Title and ANRE regulations/procedures, by derogation from the provisions of Government Ordinance no. 27/2002 on the settlement of petitions, approved with amendments and supplements by Law no.233/2002, as amended.

(2) Before submitting a complaint to ANRE, if it concerns the activity of a service provider/activity provider, the complainant must in advance address the service provider/activity whose service provider is dissatisfied.

(3) Complaints whose object exceeds 36 months from the date of the commission shall not be dealt with.

(4) Complaints deducted for settlement by courts or legal entities by out-of-court can no longer be addressed to ANRE for settlement.

(5) During the settlement of complaints by ANRE, the effects of the actions of the holders of energy licenses/authorisations/attestations against complainants may be suspended by ANRE, except for those which, by failing to apply them, would lead to irreparable damage.”

13. In Article 10, paragraphs 1 and 2 shall be amended and shall read as follows:

“Art. 10

(1) The competent authority shall issue authorisations to set up new power generation capacities, including electricity and heat generation capacities in cogeneration, or to refurbish them or to develop new storage facilities, as follows:

a) if the maximum power flowed into the network of those capacities exceeds 1 MW, it is necessary to obtain a start-up authorisation;

b) if the maximum power flowed into the network of those capacities is less than including 1 MW, it shall not be necessary to obtain a start-up authorisation, but the notification to the competent authority of the investment project and the regular reporting of the state of completion, in accordance with the regulations in force, shall be required.

(2) The competent authority shall issue licences for:

a) commercial exploitation of power generation capacities and energy storage facilities added to

generation capacity;

- b) commercial exploitation of electricity and heat generation capacities from cogeneration power plants and energy storage facilities added to generation capacity;
- c) the provision of the electricity transmission service;
- d) the provision of the system service;
- e) the provision of the electricity distribution service;
- f) management of centralised markets – one licence is granted to the electricity market operator and one to the balancing market operator;
- g) electricity supply activity;
- h) the activity of the electricity trader;
- i) aggregation activity;
- j) the commercial operation of energy storage facilities; where the storage facility is installed within an existing production capacity, the commercial exploitation licence of the production capacity shall be modified for the purpose of adding storage equipment.’;

14. In Article 10, paragraph 4 shall be amended and shall read as follows:

‘(4) Licences for commercial exploitation of energy capacities shall be granted where the energy capacities are located on/in buildings public or private property of the State or of the administrative-territorial units, on the private property of the licence applicant, on the private property of natural or legal persons or/in buildings held with a legal title other than that property.’

15. In Article 10, three new paragraphs 41 to<sup>43</sup> are inserted after paragraph<sup>4</sup>:

“(41) The license for the provision of the distribution service shall be granted to economic operators who have concluded concession contracts of the distribution service with the competent ministry under the law, called concessionary distribution operators.

(42) The provision of distribution service is allowed without a license granted by ANRE in accordance with the provisions of this Title to distribution operators of closed distribution systems on the basis of the decision provided for in Art. 50 par. (5), distribution operators or managers of industrial parks within industrial parks established in accordance with Law No. 186/2013 on the establishment and operation of industrial parks, with subsequent modifications and functioning, with subsequent amendments and other economic operators, which have been approved by the economic operators, which are free of the respective free zones, with the subsequent modifications and additions, which are authorised by other economic operators, which are free of the respective power reserves. These provisions shall also apply to electricity networks located outside the limits of the industrial fleet, i.e. the free zone, up to the point of demarcation with the concessionaire’s electricity distribution network or the transmission grid, subject to the following conditions:

- a) the electrical powers approved for places outside the industrial park limit, i.e. the free zone powered from the power grids, are cumulatively below 3 MW;
- b) there is a written notification to the concessionary distribution operator in the industrial park location region or of the free zone concerned of the provision of the distribution service through these power grids.

(43) By way of exception to the provisions of<sup>paragraph</sup>41, ANRE shall grant a license for the provision of the electricity distribution service by economic operators holding distribution networks in an area leased to another economic operator if they have the written consent of the concessionary distribution operator, within the same concession period. The concessionaire distribution operator may refuse the written agreement only if that refusal is reasoned and justified on the basis of objective, technical and/or economic criteria. Where the concessionary distribution operator refuses to issue the above agreement, it shall ensure that users of the refused economic operator are connected, in accordance with the rules approved by the competent authority, under

conditions of economic efficiency at least equal to the connection solution in the refused request, including taking into account the applicable distribution tariffs.’;

16. In Article 10, paragraph 5 shall be amended and shall read as follows:

“(5) The commercial exploitation of the power generation capacities may be carried out without holding a license granted by ANRE according to the provisions of this Title, by:

a) the holder of power generation capacities that can be switched on without voltage from the SEN, self-starting groups and used by it for the purpose of supplying the safety of its own equipment or installations;

b) the holder of power generation capacities, including electricity and heat produced in cogeneration power plants connected to the mains, with a total electrical power of less than 1 MW.’;

17. In Article 10, three new paragraphs 51 to<sup>53</sup>are inserted after paragraph<sup>5</sup>:

‘(51) Natural and legal persons carrying out activities in the field of energy without being obliged holding a licence shall enjoy the same rights as a licence holder for that activity or service.

(52) In order to facilitate the financing of investments in electricity generation capacity, a natural or legal person shall have the right to contract, as a producer, under the terms of the regulations issued by ANRE, the electricity to be produced by the new power capacity, without holding, at the time of the energy trading, the licence referred to in paragraph 2 (a).

(53) The natural or legal person referred to in<sup>paragraph</sup>52, with the exception of the holders of production capacity referred to in paragraph 5 (b), shall be required to obtain the licence referred to in paragraph 2 (a) at least 60 days before the time of supply of electricity produced by the new energy capacity. If the obligation is not fulfilled, contracts concluded under<sup>paragraph</sup>52 shall be terminated with the application of the clauses in the contract relating to termination of fault of the party who has not complied with the obligation and do not produce their effects on the supply of electricity.”

18. In Article 10, paragraphs 6 and 7 shall be amended and shall read as follows:

‘6. The activity of a natural or legal person to resale electricity to users of power grids in service shall be carried out without the supply licence referred to in paragraph 2(f), subject to specific regulations approved by the competent authority.

(7)In order to market electricity obtained from a processing contract, the economic operator party to such a contract shall hold the supply licence referred to in paragraph 2(g).’;

19. In Article 12, paragraph 12 shall be amended and shall read as follows:

‘(12) By way of derogation from forest-specific legislation, exclusively for network safety and protection zones, the holders of electricity authorisations and licences shall carry out the maintenance/forest operation work on land located under/over the power grids, in order to create and maintain the distance from the network, necessary for the safe operation of the networks, with the obligation to notify the forest fund manager or the owner of the land in advance.’;

20. In Article 12, a new paragraph, paragraph 14, is inserted after paragraph 13 with the following wording:

‘(14) Holders of authorisations and licences beneficiaries of rights of use and servitude on public or private property of the State and of administrative-territorial units shall be exempted from any payment obligations imposed by the central and local public administration authorities relating to the exercise of these rights.’;

21. Article 14 shall be amended and shall read as follows:

“Art. 14: Rights and obligations of holders of establishment and licensing authorisations in respect of third party ownership

(1)The right of use on the land for the execution of the works necessary for the realisation/relocation/dismantling or refurbishment of energy capacities shall extend for the duration necessary for the execution of the works. In exercising this right of use, the holder of the



authorisation to set up/relocate/disestablishment or refurbishment, as appropriate, in compliance with the legal provisions, may:

- a) store, on land necessary for the execution of works, materials, equipment, machinery, installations;
- b) abolish or restrict existing crops or plantations, forest vegetation, construction or other existing facilities to the extent strictly necessary for the performance of authorised capacity under the law;
- c) remove materials, capture water, under the conditions laid down in the legislation in force;
- d) install and work with machinery, place offices and construction sites, with the prior consent of the owner;
- e) to stop or restrict the activities of the owner, to the extent strictly necessary to perform the works for the authorised capacity, in compliance with the legal provisions in force.

(2) In order to carry out the necessary works, maintenance, repairs and exploitation of energy capacities, holders of authorisations and licenses shall have the right to temporarily use the public property, including land forming part of the national forest fund, by way of derogation from the provisions of Art. 42 par. (1) letter b) of Law no. 46/2008 —Forest Code, republished, with subsequent amendments and additions.

(3) The right of use referred to in paragraph 1 shall cease before the expiry of the period fixed for the execution of the works or before that period, on the date of early completion of the works or on the date of their termination and the waiver of authorisations. Any of these situations shall be notified immediately to the owner.

(4) The right of use on the land to ensure the normal functioning of the energy capacity shall extend throughout the duration of the capacity operation and shall be exercised whenever necessary to ensure the normal functioning of the capacity. In exercising this right, the licence holder may:

- a) store materials, equipment, machinery, maintenance facilities, revisions, repairs and interventions necessary to ensure the normal functioning of the capacity;
- b) install and work with machinery;
- c) abolish or reduce existing crops, plantations, vegetation or other existing facilities and restrict the activities of the owner, in so far as it is strictly necessary for the execution of maintenance, repairs, revisions or interventions to ensure normal capacity officials, in compliance with the legislation in force.

(5) By way of derogation from the provisions of Art. 40 par. (1) of Law no. 46/2008, republished, with subsequent amendments and additions, to the achievement of investment objectives declared of public utility and of national interest, under the law, the temporary occupation of private property land from the national forest fund and forested pastures and meadows shall be made after submission by the holder of the authorisation/licence/concession contract of the following proofs of compliance with the obligations of notification and award of compensation/payments:

- a) the lease/convention agreement between the parties, the term of payment of the allowances/payments being 30 days after the conclusion of the lease/convention agreement, if the owners are identified;
- b) proof of prior record, in accounts opened in the name of licence holders/concession contract, of the amounts of money related to compensations, allowances, where applicable, for such real estates if the owners are not identified;
- c) proof of prior record at their disposal within 60 days of the date on which they were notified to present themselves for signature of the conventions but did not appear or refused to conclude the Convention, of the amounts relating to the damages/inservations, if the owners are identified but do not appear or refuse to conclude the Convention.

(6) The holder of the licence shall be obliged to notify in writing the owner of the goods or the provider of the activities which will be affected as a result of works on energy capacities, except in cases of damage and those caused by force majeure situations, in which case the owners are notified within the shortest period.

(7) The holder of the licence shall be obliged to pay the owners the compensation due for the damage caused, to release the land and restore it to the previous situation as soon as possible.

(8) Subterranean, surface or aerial clearance shall comprise the right of access and execution of works at the location of the energy capacity during the intervention for refurbishments, repairs, revisions and damage.

(9) In order to avoid jeopardising the persons, goods or activities carried out in the area of execution of works of accomplishment or refurbishment of energy capacities, as well as of the revision or repair operations to the capacity in operation, the holder of the authorisation or license shall have the right to obtain the restriction or termination, throughout the works, of the activities carried out in the vicinity by other persons, with the obligation to compensate them, according to the provisions of this law. In this case, the persons affected shall be informed in writing of the date of commencement and completion of the works, except in cases caused by force majeure situations.

(10) Upon termination of the rights referred to in Article 12(2), the holder of the authorisation to set up and the holder of the licence shall be obliged to ensure the release of the land and its reinstatement in the initial situation.

(11) The right of access to public utilities referred to in Article 12 (2) (e) must be exercised by the holder of the authorisation or licence in good faith and reasonably without prejudice to other persons' access to such public utilities.';

22. Article 19 shall be amended and shall read as follows:

“Art. 19: It's the concession. Subject matter of the concession and contracting authority

(1) Public or private property of the State, activities and public services of national and general interest in the field of electricity may be the subject of an energy concession.

(2) The Ministry of Public or Private Property of the State in the field of energy, as well as public services of general interest and national interest in the field of electricity, has the status of contracting authority. Electricity transmission networks, land on which they are located and the public electricity transmission service shall be exempted.

(3) The status of contracting authority for the electricity transmission grid and the land on which it is located as well as for the public electricity transmission service shall be the central public authority designated as the contracting authority of the State for that purpose.

(4) The general framework on the legal regime of concession contracts, the procedures for granting concessions, and the framework content of the specification are developed by the contracting authority, in accordance with the provisions of the law, and approved by Government Decision.

(5) The conditions for granting, maintaining, suspending and withdrawing the concession shall be determined by the concession contract concluded by the contracting authority and approved in accordance with the provisions of this Law.';

23. In Article 21, paragraphs 2 and 7 shall be amended and shall read as follows:

‘(2) A participant in the electricity market shall mean a natural or legal person who purchases, sells or produces electricity, who is involved in the aggregation or is a dispatchable consumption operator or energy storage services, including the placing of trading orders on one or more electricity markets, including energy balancing markets.

(7) Participants in the electricity market shall be required to provide the electricity market operator

with information on the quantities of transactional electricity relating to concluded contracts for the sale and purchase of electricity.’;

24. In Article 23, paragraph 8 shall be amended and shall read as follows:

“(8) On the competitive market, ANRE shall have the right to suspend the functioning of the competitive market in case of application of the provisions of Art. 5 par. (4)- (7).”

25. In Article 23, five new paragraphs 10 to 14 are inserted after paragraph 9 as follows:

‘(10) In the competitive wholesale market, ANRE shall have the right to approve the introduction and use of specific products in certain trading arrangements, in order to ensure flexibility in the conclusion of forward electricity transactions, including flexible supply profiles appropriate to producers of renewable energy. ANRE together with the electricity market operator shall regularly monitor and assess the impact of the use of flexible products.

(11) The specific products referred to in paragraph 10 shall be defined by at least one of the following characteristic elements:

a) the change in hourly power compared to the quantity tendered in the contract, up to a maximum percentage determined in accordance with the ANRE regulations, which does not affect the supply profile and the specific nature of the contract, but not more than  $\pm 100\%$  for renewable energy producers;

b) updating the award price of a contract, on the basis of a formula containing terms and factors determined or determinable on the basis of public stock exchange indicators, specifying the public sources where the values of the indicators considered are updated.

(12) In order to comply with paragraph 1, the characteristic elements of specific products shall be published prior to the conclusion of the transactions.

(13) By way of derogation from paragraph 1, a market participant combining electricity produced by more than one energy source may conclude bilateral contracts with holders of those sources.

(14) By way of derogation from paragraph 1, a market participant combining the tasks of more than one customer may conclude bilateral contracts with them and their suppliers.’;

26. Article 24 is repealed.

27. In Article 42, letters a) and (b) are amended and shall read as follows:

‘a) to carry out constructions of any kind in the security zone of the transmission grids, without the authorisation of the transmission system operator’s location and/or without compliance with the conditioning/limitations provided for therein;

carry out excavations of any kind or set up plantations or forest vegetation in the safety zone of the transmission grids, without the consent of the transmission system operator; ’;

28. In Article 44, paragraph 1 shall be amended and shall read as follows:

“Art. 44

(1)The distribution of electricity shall be carried out by the distribution operator, legal entity, license holder or exempt from licensing in accordance with the provisions of Article 10 (42).’;

29. In Article 45(1), letter c) shall be amended and shall read as follows:

‘c) carry out work to develop and modernise the distribution networks, in consultation, where appropriate, with the transmission system operator, on the basis of forward-looking studies carried out over a minimum of 5 years, so that the distribution network is safe, reliable and efficient; prospective studies shall be submitted to ANRE at least 6 months before the start of a regulatory period; ”

30. In Article 46, paragraph 2 shall be amended and shall read as follows:

‘(2) Where the holder of the electricity distribution network is unable to provide the distribution service or to grant the required power increase for users connected to that network, it shall be required to deliver the network, free of charge in service, within 15 days from the date of finding that it is unable to provide the distribution service or to grant the required power increase until it is lawfully taken over to the concessionaire operator and the licensed distribution service in that area is located in the relevant network.’;

31. In Article 46, two new paragraphs, paragraphs<sup>21</sup> and 22 are inserted after paragraph 2: ‘21. In the situation referred to in paragraph 2 where ownership of the electricity distribution network cannot be proved, the concessionaire operator, licensed in the area where the power grid is located, shall be required to provide the distribution service to its users, pending the identification of the owner of the network concerned.

22. Where the holder of a distribution network located in the concession area of a concession operator intends to dispose of the distribution network or in the situation referred to in paragraph 2, he shall make a sale offer to the concessionaire distribution operator at a justified value certified by an independent authorised expert and the concessionary distribution operator shall be required to purchase it within 120 days of the date of communication of the certified purchase value.’;

32. In Article 47(1), a new letter, letter d) is inserted after point (c) with the following wording: ‘d) in the case of absconding of electricity; the measure of interruption in the supply of electricity shall be taken after the necessary samples and evidence have been taken, immediately if there is no supply contract concluded with a supplier at the place of consumption or after a final court decision has been delivered where there is a supply contract with a supplier at the place of consumption.’;

33. In Article 47, a new paragraph, paragraph 5, is inserted after paragraph 4 with the following wording:

5. For the situations referred to in paragraph 1, the distribution system operator shall not act to disrupt the supply of electricity to final customers on a voluntary basis before taking all necessary technical measures to avoid endangering the life and health of natural persons, to protect the environment and to ensure the integrity of material property, in compliance with the rules in force.’;

34. In Article 49, letters a) and (b) are amended and shall read as follows:

‘a) to carry out constructions of any kind in the safety zone of the electrical distribution network without notice of location of the distribution operator and/or without compliance with the conditioning/limitations provided for therein;

to carry out excavations of any kind or to set up plantations or forest vegetation, in the safety zone of the electrical distribution networks, without the agreement of the distribution operator;’;

35. In Article 49, a new paragraph, paragraph 2, is inserted with the following wording:

‘2. Where the distribution operator finds that actions or facts of the nature of those referred to in paragraph 1 exist, it shall be entitled to take all necessary measures to restore or correct the initial factual situation.’;

36. In Article 50, two new paragraphs, paragraphs 5 and 6, are inserted after paragraph 4:

“(5) At the request of an economic operator, ANRE shall confirm by decision the enclosure of a closed distribution system in accordance with the provisions of paragraph (1).

(6) Economic operators operating closed distribution systems falling within the provisions of paragraph 1 shall be entitled to provide the distribution service without a licence on the basis of the decision referred to in paragraph 5.’;

37. In Article 51, four new paragraphs 34 to 34 are inserted after paragraph<sup>3</sup>:

“(31) The distribution operator shall be obliged to repay the amount invested by the applicant in accordance with the provisions of paragraph (2), within the limit of the economic efficiency of the investment, in accordance with the regulations adopted by ANRE.

(32) The distribution operator shall ensure the financing and execution of the design and execution of the installation for the connection of the non-household final customer, the length of which will be up to 2.500 meters in the territory of the administrative-territorial unit for which the public distribution service concession, the consideration of which will be recognised in the tariff by ANRE. The deadline for the connection is not more than 90 days from the date of obtaining the

building permit.

(33) The applicant, the future non-household final customer, is obliged to use the place of consumption and keep its destination for a period of 5 years from the date of putting into service of the connection installation.

(34) If the non-household final customer does not comply with the provisions of<sup>paragraph</sup>33, he shall be obliged to return to the distribution operator the value of the design and execution of the connection installation, in proportion to the remaining unused period, in accordance with the regulations adopted by ANRE.’;

38. In Article 51, paragraphs 5 and 6 shall be amended and shall read as follows:

‘(5) Localities which, for technical or economic reasons, are not connected to the SEN may be powered by isolated electricity systems, taking into account also locally available renewable energy resources.

(6) The sale price of electricity shall be determined by ANRE on the basis of the costs justified by the economic operator providing the service, also taking into account a reasonable profit rate.’

39. In Article 57, a new paragraph, paragraph 7, is inserted after paragraph 6 with the following wording:

“(7) The supplier shall be obliged not to use incorrect or misleading commercial practices in relation to the final customer.”

40. In Article 62(1), letter h<sup>5</sup>is amended and shall read as follows:

“h<sup>5</sup>benefit from several payment arrangements which do not unduly discriminate between customers. Early payment schemes must be fair and adequately reflect likely consumption. In the case of the domestic customer, if the amount paid by the household customer in excess of 100 lei, the supplier is obliged to repay the amount paid by the customer within 5 days from the date of issue of the settlement invoice. Amounts below this amount will be compensated in the account of the following invoices. Any difference in terms and conditions shall reflect the costs for the supplier of the different payment systems. The general conditions must be fair and transparent, presented in clear and understandable language, and should not include non-contractual barriers to the exercise of customer rights, such as, but not limited to excessive contractual documentation. Customers are protected against incorrect or misleading selling methods; ’

41. In Article 65, three new paragraphs 6 to 8 are inserted after paragraph 5: ‘6. Where the consumption of electricity cannot be determined by measurement, it shall be established in a bundle system.

(7) The determination of electricity consumption in the bundle system shall be permitted only in the following situations:

- (i) for temporary final customers with a duration of less than 6 months, for which it is not justified or not possible to mount a measuring group;
- (ii) for places of consumption with powers absorbed below 100 W, for which it is not justified or not possible to mount a measuring group;
- (iii) in case of erroneous registration or failure of measurement groups, according to ANRE regulations.

(8) The pausal system may be used to determine the damage in cases of suspected electricity absconding, solely as a method of calculation in the cases deducted from court resolution; the duration for which it applies shall be that fixed by a final judgment.’;

42. In Article 75, a new paragraph, paragraph 3, is inserted after paragraph 2 with the following wording:

‘(3) By way of derogation from the legal provisions on acquisitions, the acquisition of works, supplies and services for the performance of activities in the electricity sector carried out on the basis of tariffs regulated by the competent authority shall be made through competitive,

transparent and non-discriminatory procedures, in accordance with the regulations approved by ANRE, without the existence of special or exclusive rights.’;

43. In Article 93(1), point 5 shall be amended and shall read as follows:

“5. non-compliance with technical and/or commercial regulations issued by ANRE, including those on the supply of electricity to final customers; ”

44. In Article 93(1), four new points, paragraphs 5x to<sup>54</sup>, are inserted after point 5<sup>as follows</sup>:

“51. <sup>failure to comply with</sup> the regulations issued by ANRE on licensing and authorisations in the electricity sector;

52. failure to comply with the regulations issued by ANRE regarding the connection of users to the public interest electricity networks;

53. failure to comply with the orders and decisions of ANRE, other than those provided for in the contraventions contained in this Article;

54. failure to comply with any legally binding decision of ACER; ’

45. In Article 93(1), paragraphs 29 and 45 shall be amended and shall read as follows:

‘29. the execution of excavations or works of any kind in the power grid protection zones without notice of location of the transmission system/distribution operator and/or without compliance with the conditions/limitations provided for therein; ’

45. The refusal of concessional distribution operators to take over the power grid under the obligation laid down in Article 46(2) and (22); ’;

46. In Article 93(1), the following new paragraphs 49 to 54 are inserted after point 48:

“49. the refusal of participants in the wholesale electricity market to permit the conduct of investigation and/or unannounced inspection in premises belonging to economic operators or associations of economic operators who carry out their activity in the field of electricity which they legally hold and/or carry out their activities and at their domicile, land or means of transport belonging to legal representatives, administrators, directors and other employees of economic operators or associations of economic operators subject to the investigation to be inspected or electronically disposed of the information that is available to the equipment;

50. non-providing data and information, provision of inaccurate, incomplete or misleading data and information as a result of ANRE requests made pursuant to the provisions of Articles 85 and 86 par. (1) letters c) and d) and paragraph (3);

51. failure by market participants and the transmission system operator to comply with the requirements laid down in European Regulations other than those referred to in points 32 to 35, 41 and 42;

52. Non-compliance by market participants and the transmission system operator with the transparency requirements set out in the ANRE regulations, as well as in the European Regulations, with the exception of Regulation (EU) No 1.227/2011;

53. Failure by the distribution operator to comply with the time limit for connection referred to in Article 51(32);

54. failure by the supplier to comply with the provisions of Article 57 (7).’;

47. In Article 93(2), point 1, letter d) is amended and shall read as follows: “d) with a fine from 20.000 lei to 50.000 lei, for the one provided for in item 45; ”

48. In Article 93(2), point 1, after the letter d) a new letter, letter e), is inserted with the following wording:

“e) with a fine from 10.000 lei to 50.000 lei, for those provided for in items 49 and 50.”

49. In Article 93(2), point 2, point b) shall be amended and shall read as follows:

“b) with a fine from 10.000 lei to 200.000 lei, for those provided for in items 1, 3-53· 8, 10, 15, 18, 20, 22, 26, 36 and 53;

50. In Article 93(2), point 2, letter c) shall be amended and shall read as follows:  
“c) with a fine from 20.000 lei to 400.000 lei, for those provided for in items 41, 54,<sup>24</sup>, 37 and 38;  
”

51. In Article 93(2), point 2, after point d), four new letters are inserted, the letters

e) —h), with the following wording:

‘e) by a fine from 1 % to 5 % of the annual sales turnover on the wholesale energy market in the financial year preceding the penalty for the facts referred to in points 32 to 35, points 41, 51 and 52;

f) by a fine from 0,5 % to 1 % of the annual sales turnover on the competitive energy market in the financial year preceding the penalty for those referred to in points 49 and 50;

g) by a fine of between 5 % and 10 % of the turnover of the year preceding the penalty, for those referred to in points 42 and 54;

h) by a fine of between 2 % and 10 % of the turnover of the year preceding the penalty, for that referred to in point 48.’;

52. In Article 93, <sup>paragraph</sup>21 is repealed.

53. Article 93, point a) of paragraph 3 and paragraph 4 shall be amended and shall read as follows:

‘a) authorised representatives of the competent authority, in the case of contraventions referred to in paragraph.

(1) points 1 to 27 and points 32 to 54;

(4)For the offences referred to in paragraph 1, with the exception of those referred to in items 19, 21, 42, 43, 45-47, 48 and 54, committed repeatedly by legal persons, the regulatory authority shall impose a fine of between 1 % and 5 % of the annual turnover of the offender.’;

54. In Article 93, two new paragraphs, <sup>paragraphs</sup>41 and 42 are inserted after paragraph 4:

“(41)For the offences referred to in par. (1) items 42, 48 and 54 committed repeatedly by legal entities, the regulatory authority shall withdraw the license of the offender following a final court ruling.

(42)By *repeated contravention* it is understood to commit the same contravention at least twice.”

55. In Article 93, paragraph 5 shall be amended and shall read as follows:

“(5) The annual turnover means the turnover of the infringed legal entity from the licensed activity, in the financial year prior to the sanctioning of the act. If, in the financial year prior to the penalty, the undertaking did not have a turnover or cannot be determined, that of the financial year in which the offender recorded turnover, the year immediately preceding the reference year for the calculation of the turnover for the purposes of the penalty, shall be taken into account. If even in the year preceding the reference year for the calculation of turnover for the purpose of applying the penalty, the offender has not achieved a turnover, the last recorded turnover will be taken into account. If the offender is a newly established legal entity, which did not register the turnover in the year prior to the sanction, he will be sanctioned with a contraventional fine from 100.000 lei to 1.000.000 lei.”

56. In Article 93, three new paragraphs 8 to 10 are inserted after paragraph 7:

“(8) By exception to the provisions of par. (7), the right of ANRE to apply contraventional sanctions for committing the contraventions provided under par. (1) items 32-35, 41, 42, 51 and 52 shall be prescribed within 36 months from the date of the commission.

(9) By way of exception to the provisions of par. (2) item 2 in respect of contraventions committed by non-resident persons, the turnover to which the fine applies shall be replaced by the income obtained in Romania by the offender and recorded in his individual financial statements.

(10) If within 45 days of notification of the decision of the President of ANRE to complete the

investigation, according to the provisions of this Law, the economic operator or association of economic operators concerned does not comply with the measures ordered, the competent authority may apply the maximum fine provided for in paragraph (2) point 2.”

57. Article 94 shall be amended and shall read as follows:

“Art. 94: Legal regime of contraventions

The provisions of Government Ordinance no. 2/2001 on the legal regime of contraventions, approved with amendments and supplements by Law no. 180/2002, with the exception of the provisions of Art. 8 par.

(2) letter a) and Art. 28 par. (1) of this last normative act.

58. In Article 96, paragraph 6 shall be amended and shall read as follows:

“(6) The authorisation of electricians in the field of electrical installations, respectively of project verifiers and of quality and extrajudicial technical experts in the field of technological electrical installations shall be carried out only by ANRE, in accordance with the regulations issued by it.”

59. In Article 100, a new point, point 741<sup>1</sup> is inserted after point 74:

“741.<sup>complaint</sup> — *petition*, divergence, misunderstanding, dispute, dispute or any other request to ANRE, in the field of natural gas, made by a natural or legal person; ”

60. After Article 1021, a new Article 1022<sup>is</sup> inserted, <sup>with</sup> the following wording: “Art. 1022: Handling of complaints

(1) Complaints submitted to ANRE shall be resolved in accordance with the provisions of this Law and ANRE regulations/procedures, by derogation from the provisions of Government Ordinance no. 27/2002, approved with amendments and additions by Law no. 233/2002, as amended.

(2) Before submitting a complaint to ANRE, if it concerns the activity of a service provider/activity provider, the complainant must in advance address the service provider/activity whose service provider is dissatisfied.

(3) Complaints whose object exceeds 36 months from the date of the commission shall not be dealt with.

(4) Complaints deducted for settlement by courts or legal entities by out-of-court can no longer be addressed to ANRE for settlement.

(5) During the settlement of complaints by ANRE, the effects of the actions of the holders of licenses/authorisations/attestations in the field of energy against complainants are suspended, under the conditions established by ANRE, except for those which would result in irreparable damage by non-application.”

61. Article 103 shall be amended and shall read as follows:

“Art. 103: Subject matter of the concession

(1) Public property related to the transport and storage of natural gas objectives/systems, as well as transport, storage and distribution of natural gas services are subject to concession to Romanian or foreign legal entities, under the law.

(2) The fee for concessions referred to in paragraph 1 shall be paid by the natural gas operator and may not be entered by the operator in respect of the service concerned.”;

62. In Article 104, paragraphs 3 and 4 are repealed.

63. In Article 104, paragraphs 5 and 6 shall be amended and shall read as follows:

(5) By way of derogation from the provisions of Law no. 100/2016, as amended and supplemented, the concession authorities shall take the necessary measures to ensure, where appropriate, the concession of the public utility service for the distribution of natural gas for one or more neighbouring administrative-territorial units and/or their associations under a single contract and to the same technical supply solution in the national gas transmission system. The conceder shall ensure that, in the case of connection to the national transmission system of natural gas, the technical solution for the supply of the concession area is usually achieved by means of a



single connection.

(6) The conceder of the public service of natural gas distribution decides to extend the concession area to one or more localities belonging to the administrative-territorial unit, within which, for at least one locality, the utility service of natural gas distribution has already been leased. The extension of the concession zone shall be effected, as appropriate, by an addendum to the concession contract concluded with the concessionaire in the area concerned, defined in accordance with paragraph 1, an additional act to be transmitted to ANRE within 30 calendar days of signature.’;

64. In Article 104, paragraph 8 is repealed.

65. In Article 108, the introductory part of paragraph 1 shall be amended and shall read as follows:

“Art. 108

(1) For the purpose of carrying out the transmission or distribution service, the concessionaire shall have the following rights in relation to the use of third party property: ’

66. In Article 108(1), points d) and g) are amended and shall read as follows: “d) with the owner’s agreement, to take these goods into his property, with compensation within the limits of their efficiency rate established according to ANRE regulations;

g) ensure that new applicants are connected, subject to one of the following conditions:

1. presentation of the owner’s acceptance;
2. presentation of the applicant’s agreement to the owner’s compensation; the applicant’s agreement shall be presumed where he consents in writing, by an authentic instrument, to indemnify the owner of his or her share of the investment made; ’;

67. In Article 118, a new paragraph, paragraph 21, is inserted after paragraph 2<sup>with</sup>the following wording:

“(21)The provision of the natural gas distribution service shall be carried out without a license granted by ANRE, according to the provisions of this title, to economic operators on the basis of the decision provided by Art. 139 par. (6), to the industrial park administrators established under Law no. 186/2013, as amended, and to the administrators of free zones established under Law no. 84/1992, as amended and supplemented, operators benefiting from the same rights and having the same obligations to comply with ANRE regulations corresponding to a license holder for that activity.”

68. In Article 119, point 2, a new letter, letter f), is inserted after the letter e) with the following wording:

“f) hydrogen production plants.”

69. In Article 119, point 3, the following new letter, letter g), is inserted after the letter f):

“g) commercial exploitation of hydrogen production plants.”

70. In Article 120, a new paragraph, paragraph 11, is inserted after paragraph 1<sup>with</sup>the following wording:

“(1)applicants who have as controlling shareholders or as administrators have previously been a controlling shareholder or administrators within licensed economic operators who have failed to discharge their payment obligations resulting from transactions carried out on the natural gas market may not be authorised.”

71. Article 123 shall be amended and shall read as follows:

“Art. 123: Natural gas manufacturer

(1) Natural gas manufacturer shall be the natural or legal person having as its specific activity the production of natural gas, biogas/biomethane, hydrogen or other types of gas under the terms of this Title.

(2) Tariffs for third party access to upstream supply pipes shall be established by the economic operator performing this activity, based on a methodology developed by him and approved by ANRE.

(3) Tariffs determined on the basis of the methodology approved by ANRE shall be published by the economic operator referred to in paragraph (1) on its own website before their application.”

72. In Article 125, paragraph 4 shall be amended and shall read as follows:

“(4) The work on the development, rehabilitation, modernisation, operation and maintenance of natural gas transmission objectives/systems, including connections and control-tendering stations, shall be public utility works.”

73. In Article 125, a new paragraph, paragraph 41, is inserted after paragraph 4<sup>with</sup>the following wording:

41. <sup>The costs</sup>of the works referred to in paragraph 4 shall fall within the category of costs recognised for the activity referred to in Article 179(2)(e).’;

74. In Article 130(1), letter e) shall be amended and shall read as follows:

‘e) to connect all applicants to the transmission system within 180 days from the date of obtaining the building permit. Recovery of the connection costs shall be carried out through transport tariffs according to ANRE regulations; ”

75. In Article 130(1), letters j) and s) are amended and shall read as follows:

‘j) to constitute a minimum stock in underground storage warehouses or to ensure the purchase of gas, including from import, for the quantities necessary to operate and ensure the physical equilibrium of the transmission system, according to the specific regulations approved by ANRE;

ensure the measurement of natural gas from adjustment-measurement and surrender stations for the take-over of natural gas from upstream pipelines or storage systems into the transmission system, as well as control-measurement and surrender stations for the takeover of natural gas to distribution systems, final customers or storage systems.’;

76. In Article 130(2), point (b) is repealed.

77. In Article 134, two new paragraphs, paragraphs 4 and 5, are inserted after paragraph 3:

“(4) The works of development, rehabilitation, modernisation, operation and maintenance of natural gas distribution objectives/systems, including connections and control-measurement-tendering stations/regulation stations/measurement stations/regulation stations/regulation posts/measurement stations, connections, are public utility works.

(5)The costs of the work referred to in paragraph 4 shall fall within the category of costs specified in Article 179(2)(i).’;

78. In Article 137, a new paragraph, paragraph 3, is inserted after paragraph 2 with the following wording:

‘(3) Any interference, of any kind, between the vertically integrated distribution system operator with a supplier through which it can be commercially advantaged over other independent suppliers operating in the concession area by the distribution operator shall be prohibited.’;

79. In Article 138(1), letter d1) is amended and shall read as follows:

“d1)to connect all applicants to the distribution system, within 90 days from the date of obtaining the building permit, according to the ANRE regulations. Recovery of the costs related to the connection of household customers shall be made through distribution tariffs according to ANRE regulations; ”

80. In Article 138(1), letter g) shall be amended and shall read as follows:

“g) take over until obtaining the license for the operation of the distribution system by the new concessionaire, upon request and according to the ANRE regulations, by designation, the operation of a distribution system under the conditions when the original operator was withdrawn

from the distribution license, the concession contract was terminated or in any other situation identified by ANRE;”

81. In Article 139, paragraph 3 shall be amended and shall read as follows:

‘(3) The tariffs for the provision of the distribution service from a closed distribution system and the methodologies underlying their calculation shall be published by the economic operator performing this activity on its own website. ANRE shall publish a guide of good practice on how to set tariffs for the distribution service in a closed distribution system.’”

82. In Article 139, paragraph 5 is repealed.

83. In Article 139, two new paragraphs, paragraphs 6 and 7, are inserted after paragraph 5:

“(6) At the request of an economic operator, ANRE shall confirm by decision the inclusion of a distribution system in the provisions of paragraph (1).

(7) Economic operators operating distribution systems falling within the provisions of paragraph 1 shall be entitled to provide the distribution service without a licence on the basis of the decision referred to in paragraph 6.’;

84. In Article 143(1), letters a), f) and q) are amended and shall read as follows:

‘a) to conclude contracts for the purchase of natural gas on competitive, transparent and non-discriminatory terms so as to ensure that consumption is covered for its customers;

F) establish single contact points for informing final customers about their rights, the legislation in force and the ways of resolving disputes in case of applications, complaints, complaints, complaints or appeals. The single point of contact shall consist of a central point coordinating regional/local information points, where appropriate, forming a network that provides free of charge to final customers all necessary information on their rights, existing legislation and dispute settlement pathways at their disposal in the event of a disagreement, ensuring immediate access to information for all applicants;

Q) to constitute in underground storage a minimum stock of natural gas at the level necessary to ensure continuity in the supply of natural gas to its customers and price bearingability by them, in accordance with the legal provisions in force;”

85. In Article 143(1), point m) is repealed.

86. In Article 143(1), after the letter r) a new letter, letter s), is inserted with the following wording:

“(s) for domestic customers located more than 50 km from the single point of contact, the information to the final customers must be made through written notifications or by the means of communication agreed with it. In the case of changes to the contractual conditions, the notification shall be made in writing, with acknowledgement of receipt, at least 30 calendar days before the date on which the amendments take effect, specifying the customer’s right to terminate the contract if he does not accept the new contractual terms.’

87. In Article 143, a new paragraph, paragraph 11, is inserted after paragraph 1<sup>with</sup>the following wording:

“(11)The supplier shall be obliged not to use incorrect or misleading commercial practices in relation to the final customer.”

88. In Article 143, paragraph 3 is repealed.

89. In Article 145(4), letter g) shall be amended and shall read as follows:

‘g) to provide them with a wide range of payment methods enabling them to fulfil their invoice payment obligations, contractual payment obligations and which do not create unjustified discrimination between customers. Early payment schemes must be fair and adequately reflect likely consumption. In the case of the domestic customer, if the amount paid by the household

customer in excess of 100 lei, the supplier is obliged to repay the amount paid by the customer within 5 days from the date of issuance of the regularisation invoice. Amounts below this amount will be compensated in the account of the following invoices. Any difference in terms and conditions of payment schemes shall reflect the costs incurred by the supplier for the different payment systems. General conditions must be fair and transparent, presented in clear and understandable language, and should not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers are protected against unfair or misleading commercial practices; '

90. In Article 148(2), after point a) a new letter, letter a<sup>1</sup> is inserted, with the following wording: "a<sup>1</sup> administrative-territorial units or their specialised services to which the attributes of the concession of the public gas distribution service have been delegated; '

91. In Article 148, three new paragraphs 3 to 5 are inserted after paragraph 2:

"(3) The distribution operator shall ensure the financing and execution of the design and execution of the installation for extension and branching of the non-household final customer, the length of which will be up to 2.500 meters in the territory of the administrative-territorial unit for which the public distribution service concession, the consideration of which will be recognised in the tariff by ANRE. The deadline for the connection is not more than 90 days from the date of obtaining the building permit.

(4) The applicant, the future non-household final customer, is obliged to use the place of consumption and keep its destination for a period of 5 years from the date of putting into service of the connection installation.

(5) If the non-household final customer does not comply with the provisions of paragraph 4, he shall be obliged to return to the distribution operator the value of the design and execution of the connection installation, in proportion to the remaining unused period, in accordance with the regulations adopted by ANRE.';

92. In Article 150, point (c) is repealed.

93. Article 151 shall be amended and shall read as follows:

"Art. 151: Financing of work to achieve the objectives/conductors necessary for connection

(1) The distribution operator or the transmission system operator may not refuse connection to the system and shall be obliged to finance the works to achieve the objectives/pipes necessary to connect consumers within the administrative-territorial unit for which the public distribution service has been leased. The term of extension and/or connection of consumers may not exceed 90 days from the date of obtaining the building permit.

(2) In the performance of the concession contract, at the request of local or central public administration authorities, based on regional or local development and urban development plans, the distribution operator shall be obliged to ensure the development of distribution systems and the financing for the extension of distribution systems/establishment of systems in the concession area.

(3) In order to develop the programs of natural gas supply to localities and to extend/establish the natural gas distribution systems, the local public administration authorities and the ministries involved will respond within 60 days of receiving the requests of the transmission system operator and the distribution operators, for the implementation of medium and long-term system development plans.

(4) The transmission system operator shall have the obligation to achieve and operate the necessary objective/conductor/necessary to the connection of the distribution system within 180 days from the date of signature of the contract for the achievement of the objective/pipe.';

94. In Article 152, paragraphs 1 and 11<sup>are</sup> repealed.

95. In Article 152, the introductory part of paragraph 2 shall be amended and shall have the following contents:

‘(2) In justified circumstances, ANRE shall issue authorisations for the establishment of a direct line to permit: ’

96. In Article 152, two new paragraphs,<sup>paragraphs</sup>41 and 42:are inserted after paragraph 4:

“(41)The holder of a direct line shall ensure access and connection to it, without changing the destination for which these goods were built, according to the ANRE regulations.

(42)The direct highway performed under the terms of par. (2) and the assets resulting under the terms of par. (41)<sup>shall be taken</sup>into service within 60 days from the date of the concession by the concessionary distribution operator, with the payment of a fair compensation, in accordance with the ANRE regulations.

97. Article 156 shall be amended and shall read as follows:

“Art. 156: Regulation of the use of LNG and hydrogen

(1) The overall regulatory framework for LNG and hydrogen shall be established by ANRE.

(2) ANRE shall develop technical and commercial regulations on the operation of the LNG/hydrogen terminal, as well as the related pricing methodology, within 6 months of receiving an application for authorisation for the implementation of a LNG/hydrogen terminal.

(3) Tariffs for services provided by the LNG/hydrogen terminal operator, including LNG/hydrogen storage facilities, in connection with the operation of the terminal shall be established by the respective economic operator, based on a methodology approved by ANRE, and shall be published on the operator’s own website.

(4) ANRE establishes the conditions and standards for the implementation of hydrogen injection plants in the existing transmission/distribution networks of natural gas.”

98. In Article 156<sup>( 1)</sup>, after point b) a new letter, letter b1) is inserted with the following wording:

“b1)ensure the connection of third parties to the LNG/hydrogen terminal, based on objective, transparent and non-discriminatory criteria, according to the ANRE regulations;

99. In Article 156<sup>( 1)</sup>, letter e) shall be amended and shall read as follows:

“e) to develop and submit to ANRE for approval investment plans based on perspective studies carried out for a minimum of 5 years, in consultation, as appropriate, with the transmission system operator; prospective studies shall be submitted to ANRE at least 6 months before the start of a regulatory period; investment plans shall be reviewed in the light of the emergence of national or European programmes to promote new energy efficiency technologies and promote renewable energy systems;

100. In Article 156<sup>( 1)</sup>, after letter g) a new letter, letter h), is inserted with the following wording:

“h) to propose ANRE technical, commercial and tariff methodologies specific to its own activity.”

101. In Article 156<sup>( 2)</sup>, point a) shall be amended and shall read as follows:

‘a) collect tariffs for services rendered in connection with the operation of the LNG/hydrogen terminal, including LNG/hydrogen storage facilities, limiting and/or interrupting the provision of services in accordance with specific regulations; ’

102. In Article 156<sup>( 2)</sup>, point (b) is repealed.

103. In Article 160, paragraphs 1 to 3 are amended and shall read as follows:

“Art. 160

(1)Prior to the execution of the works for the objectives/systems in the natural gas sector, in order to comply with the requirements regarding quality in construction, the economic operators exploiting the respective objectives/systems shall have the obligation to ensure that the execution

projects are verified by project verifiers certified by ANRE.

(2) Projects related to the execution/modifications of utilisation facilities shall be verified by verifiers certified by the Ministry of Public Works, Development and Administration.

(3) Projects shall be deemed to be approved if they have been declared in conformity by the project verifier:

a) as referred to in paragraph 1, for natural gas objectives/systems;

b) as referred to in paragraph 2, for natural gas installations.’;

104. In Article 178, three new paragraphs 7 to 9 are inserted after paragraph 6:

(7) By way of derogation from the legal provisions on procurement, the acquisition of works, supplies and services for the performance of natural gas activities carried out on the basis of tariffs regulated by the competent authority shall be made through competitive, transparent and non-discriminatory procedures, in accordance with the regulations approved by ANRE. Special or exclusive rights are prohibited.

(8) The tariff for the provision of the pipeline storage service shall be established by the economic operator performing this activity, based on a methodology approved by ANRE.

(9) The transmission system operator has the obligation to propose ANRE technical, commercial norms and tariff methodologies regarding the activity of pipeline storage.”

105. In Article 179(2), letters i) and k) are amended and shall read as follows: The distribution of natural gas and hydrogen;

K) use of the LNG and hydrogen terminal.

106. In Article 194, point 241<sup>shall be amended to</sup> read as follows:

“241.<sup>failure</sup> by natural gas market participants to comply with their obligations under the provisions of Art. 143 par. (1), Article 1441 and<sup>Article</sup> 145(4) lett. g); ”

107. In Article 194, paragraphs 26, 29, 37, 39 and 43 are amended and shall read as follows: ‘26. failure to comply with the prohibitions laid down in Article 190 on the protection of objectives/systems;

29. carrying out any activity without holding the necessary license/authorisation issued in accordance with the provisions of this Title and the regulations developed under it;

37. non-compliance with the transparency requirements laid down in the ANRE regulations, as well as in the European Regulations, with the exception of Regulation (EU) No 1.227/2011;

39. failure to comply with the orders and decisions of ANRE, other than those provided for in the contraventions contained in this article;

43. failure to comply with the provisions of Art. 124 par. (11)<sup>and (12) and</sup> Article 177(315)—(317); ”

108. In Article 194, nine new points, paragraphs 44 to 52, are inserted after point 43 as follows:

‘44. failure by market participants to comply with their obligations under Article 4(1) to (3), Article 8(1) and (5), Article 9(1) and (5) and Article 15 of Regulation (EU) No 1.227/2011;

45. Failure by market participants to comply with their obligations under Article 3(1), (2)(e) and Article 5 of Regulation (EU) No 1.227/2011;

46. the refusal of participants in the wholesale gas market to allow for the conduct of investigation and/or unannounced inspection in premises belonging to economic operators or associations of economic operators who carry out their activity in the field of natural gas legally

and/or carry out their activities at the residence, land or means of transport belonging to legal representatives, administrators, directors and other employees of economic operators or associations of economic operators subject to the investigation to be inspected or to make the electronic information available and the subject of the electronic information available;

47. non-providing data and information, provision of inaccurate, incomplete or misleading data and information as a result of ANRE requests made pursuant to the provisions of Articles 184 and 185 par. (1) letters c) and d) and paragraph (3);

48. failure by natural gas producers to fulfil the obligations laid down in Article 124 of Regulation (EC) No/.

(1) letter e);

49. failure to fulfil obligations to ensure continuity in the supply of natural gas to final customers in the event of an end of the oil concession;

50. Failure by the transmission system operator/natural gas distribution operator to comply with the time limits for connection provided for in Article 130 (1) (e), Article 138(1)(d), Article 148 (3) and Article 151 (4);

51. Failure by the supplier to comply with the provisions of Article 143 (11);

52. failure by the distributor to comply with the provisions on confidentiality pursuant to Article 137.’;

109. In Article 195(1), point 1, after point c) a new letter, letter d), is inserted with the following wording:

“d) with a fine from 10.000 lei to 50.000 lei, for those provided for in items 46 and 47.”

110. In Article 195(1), point 2, after the letter f) are inserted four new letters, letters g) to j), with the following wording:

‘g) by a fine from 1 % to 5 % of the annual turnover in the financial year prior to penalty, those in points 44 and 48;

h) by a fine from 1 % to 3 % of the annual turnover in the financial year preceding the penalty, those in points 46, 47 and 49;

i) by a fine from 5 % to 10 % of the annual turnover in the financial year preceding the penalty, those in points 45, 51 and 52;

j) by a fine from 2 % to 10 % of the turnover of the year preceding the penalty, those in points 43 and 50.’;

111. In Article 195, paragraph 2 shall be amended and shall read as follows:

“(2) For the offences referred to in Article 194, with the exception of those referred to in Article 194, points 25, 35, 351,<sup>361,42</sup>—45, 48 and 50-52 committed repeatedly by legal persons, the regulatory authority may impose a fine of between 1 % and 5 % of the annual turnover of the offender.”

112. In Article 195, a new paragraph, paragraph 21, is inserted after paragraph 2<sup>with</sup>the following wording:

“(21) For the offences referred to in Art. 194 points 45 and 50 to 52 committed repeatedly by legal entities, the regulatory authority shall withdraw the license of the offender following a final judgment.”

113. In Article 195, paragraph 3 shall be amended and shall read as follows:

“(3) By repeated contravention it is understood to commit at least twice the same contravention.”

114. In Article 195, paragraph 4 shall be amended and shall read as follows:

“(4) The annual turnover means the turnover of the infringed legal entity from the licensed activity, in the financial year prior to the sanctioning of the act. If, in the financial year prior to the penalty, the undertaking did not have a turnover or cannot be determined, that of the financial year in which the offender recorded turnover, the year immediately preceding the reference year for the calculation of the turnover for the purposes of the penalty, shall be taken into account. If

even in the year preceding the reference year for the calculation of turnover for the purpose of applying the penalty, the offender has not achieved a turnover, the last recorded turnover will be taken into account. If the offender is a newly established legal entity, which did not register the turnover in the year prior to the sanction, he will be sanctioned with a contraventional fine from 100.000 lei to 1.000.000 lei.”

115. In Article 195,<sup>paragraph</sup>42 is repealed.

116. In Article 195, three new paragraphs 7 to 9 are inserted after paragraph 6:

“(7) By exception to the provisions of par. (6), the right of ANRE to apply contraventional sanctions for committing the contraventions provided for in Art. 194 items 44-48, 51 and 52 shall be prescribed within 36 months from the date of commission of the offense.

(8) By way of exception to the provisions of par. (1) item 2 in respect of contraventions committed by non-resident persons, the turnover to which the fine applies shall be replaced by the income obtained in Romania by the offender and recorded in his individual financial statements.

(9) If within 45 days of notification of the decision of the President of ANRE to complete the investigation, according to the provisions of this Law, the economic operator or association of economic operators concerned does not comply with the measures ordered, the competent authority may apply the maximum fine provided for in paragraph (1) point 2.”

117. Article 198 shall be amended and shall read as follows:

“Art. 198: Legal regime of contraventions

The provisions of the Government Ordinance no. 2/2001, approved with amendments and additions by Law no. 180/2002, with the exception of the provisions of Art. 8 par. (2) letter a) and Art. 28 par. (1) of this last normative act are applicable to Art. 194.”

## Art. II

Within 90 days from the date of entry into force of this Law, the National Energy Regulatory Authority shall develop the related regulatory framework in accordance with the provisions of the Law on Electricity and Natural Gas No. 123/2012, with subsequent amendments and additions, as amended and supplemented by this Law.

## Art. III

Within one year from the date of entry into force of this Law, the transmission system operator referred to in Art. 178 par. (9) of Law no. 123/2012, with subsequent amendments and additions, as amended and supplemented by this Law, shall propose to the National Energy Regulatory Authority technical, commercial and tariff methodologies regarding pipeline storage activity.

## Art. IV

Project verifier credentials, responsible for execution techniques and technical and extrajudicial experts in the field of electrical installations, issued by the National Energy Regulatory Authority, within the term of validity at the date of entry into force of this Law, shall remain valid until the expiry of their term of validity, and the powers granted to holders are recognised by the public authorities who have taken over under the terms of the law the attribution of their authorisation, including in the field of electrical installations related to constructions, as well as the legal requirements of the holders of such services and the authorisation of other beneficiaries.

## Art. V

Throughout Law No 123/2012, as amended and supplemented, the term “technological system service” shall be amended and replaced by the term “system service”.



#### Art. VI

Law of electricity and natural gas no. 123/2012, published in the Official Gazette of Romania, Part I, no. 485 of 16 July 2012, with subsequent amendments and additions, as well as with the amendments and additions made by this Law, will be republished, giving the texts a new numbering.

#### Art. VII

After Article 21 of Law no. 10/1995 on quality in construction, republished in the Official Gazette of Romania, Part I, no. 765 of 30 September 2016, as amended and supplemented, a new article, Article 211 is inserted with the following wording:

“Art. 211

(1) The National Energy Regulatory Authority shall organise the technical and professional attestation of specialists carrying out activities of project verifiers and technical experts of the natural gas objectives/systems, as defined by the provisions of Art. 100, paragraphs 59 and 82 of the Law on Electricity and Gas No 123/2012, as amended and supplemented.

(2) The Ministry of Public Works, Development and Administration shall organise the technical and professional attestation of specialists carrying out activities of project verifiers and technical experts of natural gas installations as defined by the provisions of Art. 100 item 54 of Law No 123/2012, as amended and supplemented.’;

#### Art. VIII

In the situations provided by Art. 104 par. (6) of Law no. 123/2012, as amended and supplemented, and Art. IV of Law no. 167/2018 amending and supplementing the Law on Electricity and Natural Gas No. 123/2012, no authorisations for establishment shall be issued in case of extension of distribution systems from localities of the same administrative-territorial unit or associations thereof, under a concession contract.

#### Art. IX

Law no. 227/2015 on the Fiscal Code, published in the Official Gazette of Romania, Part I, no. 688 of September 10, 2015, as amended and supplemented, shall be amended and completed as follows:

1. In Article 60, a new point, point 6, is inserted after point 5:

“6. Prosumers, as defined in Article 2 x1) of Law No 220/2008 for the establishment of a system for promoting the production of energy from renewable energy sources, republished, as amended and supplemented, hereinafter referred to as prosumers, natural persons other than those organised under Government Emergency Ordinance No 44/2008 on the conduct of economic activities by authorised natural persons, individual enterprises and family enterprises, approved with amendments and additions by the electric power to the electricity supply of electricity by the electricity suppliers concerned by the electricity suppliers from the sale of electricity.’;

2. In Article 122(4), a new letter, letter j) is inserted after point (i) with the following wording: “j) revenues from the sale of electricity by prosumers, individuals other than those organised in accordance with Government Emergency Ordinance no. 44/2008, approved with amendments and additions by Law no. 182/2016, to the electricity suppliers with which those prosumers concluded contracts for the supply of electricity, if the power plants for the production of electricity from renewable sources have the installed power of not more than 27 kW per place of consumption.”

3. In Article 137(1), point b) shall be amended and shall read as follows:

“b) income from self-employment, defined in accordance with Article 67, with the exception of those from the sale of electricity by prosumers, individuals other than those organised under Government Emergency Ordinance no. 44/2008, approved with amendments and additions by

Law no. 182/2016, to the electricity suppliers with whom those prosumers concluded contracts for the supply of electricity, if the power plants for the production of electricity from renewable sources have the electricity installed capacity of not more than 27 kW.’

4. In Article 319(10), a new letter, letter d) is inserted after point (c) with the following wording: “d) supplies of electricity by prosumers, individuals other than those organised in accordance with Government Emergency Ordinance no. 44/2008, approved with amendments and additions by Law no. 182/2016, to the electricity suppliers with which the respective prosumers concluded contracts for the supply of electricity, if the power plants for the production of electricity from renewable sources have the installed power of not more than 27 kW per place of consumption.”

5. In Article 321, a new paragraph, paragraph 11, is inserted after paragraph 1<sup>with</sup>the following wording:

“(11) By exception to the provisions of paragraph (1), prosumers, individuals other than those organised under Government Emergency Ordinance no. 44/2008, approved with amendments and additions by Law no. 182/2016, shall not keep records for the supplies of electricity made to the electricity suppliers with which the respective prosumers have concluded contracts for the supply of electricity, if the power plants for the production of electricity from renewable sources have the electricity installed not exceeding 27 kW on the place of consumption.”

#### Art. X

Law no. 220/2008 establishing the system for promoting the production of energy from renewable energy sources, republished in the Official Gazette of Romania, Part I, no. 577 of August 13, 2010, with subsequent amendments and additions, is amended and supplemented as follows: 1. Article 14, paragraphs (6) and (66) shall be amended and shall read as follows:

“(6) Prosumers who own units of electricity generation from renewable sources with installed power of not more than 100 kW per place of consumption may sell the electricity produced and delivered to the electricity grid to the electricity suppliers with which they have concluded contracts for the supply of electricity, according to the ANRE regulations.

66.<sup>Prosumers</sup>, natural persons, legal persons and local government authorities who own power plants producing energy from renewable sources referred to in paragraph 6, as well as natural or legal persons who own units for the production of electricity from renewable sources shall be exempted from the annual and quarterly purchase obligation provided for in Article 8(2) and (21)<sup>for</sup>electricity produced and used for their final consumption other than their own technological consumption.’;

2. A new paragraph, paragraph (6), shall be inserted in Article 30, after paragraph 5, with the following wording:

“(6) The application of the penalty of the contravention fine shall be prescribed within 2 years from the date of the commission of the offence.”

#### Art. XI

(1) Natural or legal persons who own units for the production of electricity from renewable sources shall be obliged to declare the units for the production of electricity from renewable sources to the National Energy Regulatory Authority, hereinafter referred to as ANRE, within 18 months from the date of entry into force of this law, according to the ANRE regulations.

(2) Natural or legal persons who do not declare power plants from renewable sources owned within the period referred to in paragraph 1 shall not be exempted from the obligation to purchase green certificates pursuant to Article 14 paragraph (66) of Law No 220/2008 establishing the system for promoting the production of energy from renewable energy sources, republished, with subsequent

amendments and additions, for a period of 2 years from the date of the finding, after a period of 12 months during which ANRE, Ministry of Economy, Energy and the Environment Users informs them of the obligation of natural gas.

(3) The State aid measures provided for in this Law shall be notified to the Competition Council within a period of time by the Ministry of Economy, Energy and the Business Environment if it is assessed as de minimis state aid or notified to the European Commission if it does not fall under the category of de minimis aid.

#### Art. XII

Article II of Law no. 23/2014 approving the Government Emergency Ordinance no. 57/2013 on the modification and completion of Law no. 220/2008 establishing the system for promoting the production of energy from renewable energy sources, published in the Official Gazette of Romania, Part I, no. 184 of 14 March 2014, as amended and supplemented, paragraph (1) is amended and will read as follows:

##### “Art. II

(1) By way of derogation from Article 23 of the Law on Electricity and Natural Gas No. 123/2012, as amended and supplemented, and Article X of the Government Emergency Ordinance no. 24/2017 amending and supplementing Law no. 220/2008 establishing a system for promoting the production of energy from renewable energy sources and amending certain normative acts, electricity producers and public authorities holding power plants from renewable energy sources with installed powers of not more than 3 MW per manufacturer may conclude contracts for direct energy or direct energy suppliers only, or for the sale of such energy sources.’

#### Art. XIII

The provisions of Art. 93, 94, 194 and 195 of the Energy Law no. 123/2012, with subsequent amendments and additions, as amended and supplemented by this Law, establishing contraventions, the regime of contraventions and the modalities of sanctioning them, shall enter into force 60 days after the date of publication of this Law in the Official Gazette of Romania, Part I.

#### Art. XIV

(1) Between the date of entry into force of this Law and 30 June 2021, the sale price of natural gas by licence holders for the supply of natural gas, licensed in accordance with the provisions of Law No 123/2012, as amended and supplemented, as well as the amendments and additions made by this Law, to household customers, heat producers, only for the quantity of natural gas used in the production of heat in the cogeneration plant and to heat power plants which are subject to the price of the natural gas, which the natural gas costs are excluded from the natural gas, the natural gas being imported into the natural gas consumption, and the natural gas which is excluded from the natural gas consumption.

(2) If, when the price is formed during the period and the conditions laid down in paragraph 1, suppliers will apply to the unit gas cost a higher cost than the actual purchase cost, the amount resulting from the difference between the actual purchase price and the regulated price of producers amounting to 68 lei/MWh, established by Government Emergency Ordinance No. 1/2020 on some fiscal-budgetary measures and amending and supplementing certain normative acts, as amended, shall be divided in the following proportions: 10 per cent remains with the supplier and 90 per cent is collected to the state budget in a special account and is used exclusively for the protection of vulnerable customers. The calculations are made monthly for the previous month.

(3) The scheme in paragraph 2 shall apply only to quantities of natural gas which have a buying-in price below the price of 68 lei/MWh.

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This law was adopted by the Romanian Parliament, in compliance with the provisions of Art. 75 and Article 76 paragraph (1) of the Constitution of Romania, republished.

P. Presidences of the Chamber of DEPUTATIONS, FLORIN IORDACHE p. SENATATES,

ROBERT-MARIUS Cazanciuc

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